

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ALI A. HARRISON-EL,
Plaintiff,

v.

GRAIG PENGLASE, et al.,
Defendants.

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CIVIL ACTION NO. 23-CV-4726

ORDER

AND NOW, this 1st day of March, 2024, upon consideration of Plaintiff Ali A. Harrison-El's Motion to Proceed *In Forma Pauperis* (ECF No. 1), *pro se* Complaint (ECF No. 2), and inmate account statement (ECF No. 6), **IT IS HEREBY ORDERED** that:

1. The Clerk of Court is **DIRECTED** to **AMEND** the docket to reflect that Harrison-El is currently housed at SCI Smithfield.
2. Leave to proceed *in forma pauperis* is **GRANTED**.
3. Ali A. Harrison-El, #QQ1519, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b), regardless of the outcome of this case. The Court directs the Superintendent of SCI Smithfield or other appropriate official to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to Harrison-El's inmate account; or (b) the average monthly balance in Harrison-El's inmate account for the six-month period immediately preceding the filing of this case. The Superintendent or other appropriate official shall calculate, collect, and forward the initial payment assessed pursuant to this Order to the Court with a reference to the docket number for this case. In each succeeding month when the amount in Harrison-El's inmate trust fund account exceeds \$10.00, the Superintendent or other appropriate official shall forward payments to the Clerk of Court equaling 20% of the preceding

month's income credited to Harrison-El's inmate account until the fees are paid. Each payment shall refer to the docket number for this case.

4. The Clerk of Court is **DIRECTED** to **SEND** a copy of this Order to the Superintendent of SCI Smithfield.

5. The Complaint is **DEEMED** filed.

6. For the reasons stated in the Court's Memorandum, Harrison-El's claim seeking release from prison and expungement of his criminal record is **DISMISSED WITHOUT PREJUDICE** to him proceeding on a petition for a writ of *habeas corpus*. The remainder of Harrison-El's Complaint is **DISMISSED WITH PREJUDICE** for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).

7. The Clerk of Court shall **CLOSE** this case.

BY THE COURT:

/s/ John M. Gallagher
JOHN M. GALLAGHER
United States District Court Judge